

REMARKS

Claims 1-6, 8-14, 16-18, 21-23, 25-27, 30-35, and 43-47 are pending in the application. The Examiner rejected claims 1-6, 8-14, 16-18, 21-23, 25-27, and 30-35. New claims 43-47 are hereby added.

Claim Rejections – 35 U.S.C. §102

The Examiner rejected independent claims 1, 8, and 14 as well as claims 2-5, 10, 11, and 13 depending therefrom. Applicant has amended independent claims 1, 8, and 14 to specify that the spacer means (claim 1), or joint spacers (claims 8 and 14) have a thickness greater than the thickness of the head of the ligament cutter. Applicant respectfully submits that the cited reference to Stryker (U.S. Patent No. 3,221,744) does not disclose or suggest such a structure and therefore respectfully requests withdrawal of the 35 U.S.C. §102 rejection of independent claims 1, 8, 14, and claims 2-3, 5, 11, and 13 depending therefrom.

Independent claims 16, 21, and 25 recite a ligament cutter comprising, *inter alia*, a head having a radius of curvature whereby the head can be positioned intermediate a ball and a socket of a ball-and-socket joint. Claims 4 and 10 also include this feature and have been rewritten in independent form.

Applicant respectfully submits that the cited reference to Stryker (U.S. Patent No. 3,221,744), while disclosing a curved neck 13, does not disclose a head having a radius of curvature whereby the head can be positioned intermediate a ball and a socket of a ball-and-socket joint as called for in claims 4, 10, 16, 21, and 25. Stryker '744 fails to disclose or suggest that curved neck 13 is curved such that it can be positioned intermediate a ball and a socket of a ball-and-socket joint.

Furthermore, Applicant respectfully submits that it is not inherent that a curved neck (13) useful for positioning a surgical knife to remove the semilunar cartilage from the knee, as disclosed in U.S. '744, would be positionable between the ball and socket of a ball-and-socket joint as called for in claims 4, 10, 16, 21, and 25.

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For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claims 4, 10, 16, 21, and 25 as well as claims 5, 11, 17, 22, and 26 depending therefrom.

Independent claim 30 recites a ligament cutter comprising, *inter alia*, a head having a curvature substantially matching the curvature of a femoral head. Applicant respectfully submits that the Stryker reference does not disclose or suggest that curved neck 13 has a curvature substantially matching the curvature of a femoral head and, therefore, respectfully requests withdrawal of the 35 U.S.C. §102 rejection of claim 30 and claims 31-34 depending therefrom.

Claim Rejections – 35 U.S.C. §103

The Examiner rejected dependent claims 3, 6, 9, 12, 18, 23, and 27 under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 3,221,744 to Stryker. Applicant respectfully submits that these claims are patentable for at least the reasons advanced above with respect to the independent claims from which they depend.

New Claims

Applicant has added new claims 43-47. New claim 43 depends from claim 1 and is patentable over the prior art for at least the reasons advanced above with respect to claim 1. New independent claims 44 and 46 call for a ligament cutter including spacer means offset from a head, and joint spacers offset from a head, respectively. Applicant respectfully submits that such a structure is not disclosed or suggested in the prior art and that these claims together with claims 45 and 47 depending therefrom are in condition for allowance.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicant respectfully submits that the current application is in condition for allowance and such action is earnestly solicited.

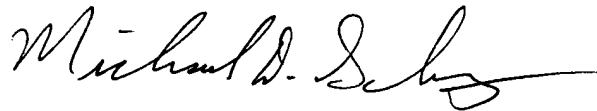
In the event Applicant has overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

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If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 260/424-8000.

Respectfully submitted,

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August 23, 2004
DATE